

# **BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS**

## **MINUTES**

DATE: March 2, 2004

TIME: 9:00 a.m., C.S.T.

LOCATION: Cumberland Room  
Ground Floor, Cordell Hull Building  
425 Fifth Avenue North  
Nashville, TN 37247-1010

MEMBERS PRESENT: Mark Davis, Vice-Chair  
Suzanne Meeks, Secretary  
Stan Boling  
Jennifer Johnson, MD  
Craig Laman  
Mary Thomas

MEMBERS ABSENT: Harold Walker, Chair  
Kathryn Wilhoit  
Katy Gammon

STAFF PRESENT: Karen Robinson, Board Administrator  
Dianne Birkner, Unit Manager  
Marva Swann, Unit Director  
Ernest Sykes, Advisory Attorney  
Robbie Bell, Director, Health Related Boards  
Jerry Kosten, Regulations Manager  
Julie Pablo, Litigating Attorney  
Lea Phelps, Investigations

With a quorum being present, Mr. Davis called the meeting to order at 9:06 a.m.

### **Licensure Denial Appeal -Timothy S. Brown**

Mr. Brown came before the Board to appeal licensure denial as a Nursing Home Administrator and to explain his Hospital Administrator experience. Mr. Brown was represented by his attorney Graham Baker. Ms. Julie Pablo represented the State and Judge Bob Feldman presided over the appeal.

Ms. Robinson, State witness, testified that Mr. Brown submitted a resume with his application which did not state the qualifications required in the rules as a hospital administrator.

After Mr. Brown's attorney presented his client's case to the Board, Mr. Brown testified on his own behalf and the Board members asked Mr. Brown numerous questions regarding his resume and work experience as a Chief Financial Officer and Chief Operational Officer.

Mr. James Estep, respondent's witness, testified he was the attorney for the Clayborn County Hospital Board at the time Mr. Brown was employed at the hospital. Mr. Estep stated Mr. Brown was appointed by the hospital Board to perform duties as a Chief Executive Officer without the title because there was not a job position as a Chief Executive Officer.

At the conclusion of the appeal, Judge Feldman informed the Board that they were the authority in interpreting their rules and pursuant to the Administrative Procedures Act needed to determine the finding of fact, conclusions of law, and policy reason for their decision. After discussion of the case between Board members, Ms. Meeks made a motion to accept Mr. Brown's hospital administrator experience and approve him to take the National Board Nursing Home Administrator examination (NAB), the motion was seconded by Mr. Boling. The motion carried. Mr. Davis recommended that Mr. Brown correct the hospital's organizational chart.

### **Conflict of Interest**

Mr. Sykes reviewed the Conflict of Interest Policy and reminded the Board members of their responsibilities under the policy.

### **Minutes**

A motion was made by Mr. Laman and seconded by Ms. Thomas to approve the minutes of the November 17, 2003 meeting as submitted. The motion carried.

### **File Review**

Timothy Heath – Mr. Heath was requested to appear before the Board by certified letter on November 21, 2003 to explain his felony charge of September 2001. Mr. Heath received the certified letter on December 2, 2003. Mr. Heath was not present at the meeting. The Board deferred Mr. Heath's request until the next Board meeting of June 1, 2004. The motion was made by Mr. Laman and seconded by Ms. Meeks. The motion carried.

George Austin – Mr. Austin requested an appearance before the Board to request his preceptor certification be reinstated. Mr. Austin was not present at the Board meeting. A motion was made by Ms. Meeks and seconded by Dr. Johnson to deny the reinstating of Mr. Austin's preceptor certification due to his license being in a failed to renew status for four years. The Board recommended for Mr. Austin to work as a full time nursing home administrator for two years and three months, retake the preceptor course, and reapply by submitting a new application for his preceptor certification. The motion carried.

Elbert Mask, Jr. – Mr. Mask submitted a reinstatement application requesting to reinstate his license from a failed to renew status of 12-31-1986. A motion was made by Ms. Meeks and seconded by Mr. Boling to defer Mr. Mask's reinstatement application until the next Board meeting of June 1-2004. The motion carried.

Peter Kotee – Mr. Kotee submitted an application requesting approval to take the National Association of Boards of Examiners of Long Term Care Administrators Examination (NAB). A motion was made by Ms. Meeks and seconded by Dr. Johnson to approve Mr. Kotee to take the NAB examination. The motion carried.

Sara Hensley – Ms. Hensley submitted an application requesting approval to take the NAB examination. A motion was made by Mr. Laman and seconded by Ms. Meeks to approve Ms. Hensley to take the NAB examination, pending proof of internship hours. The motion carried.

Carolyn Pointer – Ms. Pointer submitted an application requesting approval to take the NAB examination. A motion was made by Mr. Laman and seconded by Ms. Thomas to approve Ms. Pointer to take the NAB examination. The motion carried.

Sharon Baker – Ms. Baker submitted an administrator in training program (A.I.T.P.) application requesting approval. A motion was made by Mr. Laman and seconded by Dr. Johnson to approve Ms. Baker to start a (A.I.T.P.) on March 8, 2004. The motion carried.

**AIT Candidates** – A motion was made by Dr. Johnson and seconded by Ms. Thomas to approve the following candidates to begin their A.I.T program on March 8, 2004.

Michelle Owen  
Steven Todd  
Joey Taylor

The motion carried.

**Delayed AIT Candidates** – A motion was made by Mr. Laman and seconded by Ms. Thomas to approve the restart of the following two AIT programs on March 8, 2004.

Abbie Howell-McNeil  
Suzanne Brown

The motion carried.

**Preceptor Candidates** – A motion was made by Mr. Laman and seconded by Ms. Meeks to approve the following Preceptor candidates:

Heidi Hawkins  
Anthony Moore  
Robert Hogan

The motion carried.

### **Administrative Reports**

Ms. Robinson presented the statistical report which indicated the following:

Active Licensees – 744
Retired Licensees – 773
Failed to Renew – 666

<i>Performance Measure</i>	<i>Goal</i>	<i>2<sup>nd</sup> Qtr. Avg.</i>	<i>1<sup>st</sup> Qtr. Avg.</i>
Renewal Processing Time	14 days	4.6 days	6.5 days
Application Processing Time	100 days	196.9	236 days

The application processing time is directly relative to the length of the A.I.T. program and the success or lack thereof of the applicant and the examination process.

Ms. Robinson reported that only five administrators had renewed their licenses online in the month of January 2004. This is a usage rate of 10% compared to all overall usage rate for all professions of 22%.

Ms. Robinson reported effective February 15, 2004 all Prometric Testing Centers will be notifying all examinees at the conclusion of the NAB exam whether they passed or failed.

### **Rule-Making Hearing**

Mr. Kosten presented a rulemaking hearing held on December 31, 2003 of rules that are being proposed by the Office of General Counsel, for all Boards, which would require mandatory appearances by disciplined licensees at the end of their disciplinary periods. The rule outlines when a licensee may request an order modification. The rule also outlines a procedure where a licensee must prove compliance with their orders.

A motion was made by Mr. Laman and seconded by Ms. Meeks to delay the vote on the rulemaking hearing until the next Board meeting of June 1, 2004, so Mr. Chris Puri, attorney for the Tennessee Health Care Association can present and discuss his comments in person to the Board of the rules imposed by the Office of General Counsel. The motion carried.

### **Disciplinary Status Report**

Ms. Phelps presented that there is one summary suspension and one on probation that has paid a civil penalty of \$600.00.

## **Investigative Report**

Ms. Phelps presented the investigative report which indicated that seven complaints have been received, five complaints had been closed, four closed with no action, one closed with a letter of warning, one new complaint received in January 2004. December 2003 there were eleven open complaints year to date, January 2004 there are seven open complaints year to date.

## **Office of General Counsel Report**

Mr. Sykes presented the Office of General Counsel report and informed the Board that the rules regarding clarification of licensure requirements became effective November 18, 2003. Mr. Sykes reported there are eight cases opened in the Office of General Counsel year to date, four new cases have been received, three newly closed cases.

## **Topic of Discussion**

Mr. Sykes reported that a bill has been proposed to the legislation on sprinklers in the nursing homes to request funds from all Boards to help fund the fee for sprinklers in nursing homes.

## **Financial Report**

Ms. Robinson presented the financial report which indicated that the Board had a Projected Cumulative Carryover at June 30, 2003 of \$190,512.

At the last Board meeting Mr. Walker, Board Chair, requested the Board to review the fees for a possible decrease. After discussion, the Board chose to wait until the fiscal year financial report is presented.

## **Contracts**

Ms. Birkner explained the contract with NAB needs to be approved for renewal. A motion was made by Ms. Meeks and seconded by Ms. Thomas to renew the contract with NAB. The motion carried.

## **Ratifications**

A motion was made by Dr. Johnson and seconded by Mr. Boling to approve the newly licensed and reinstated Nursing Home Administrators. The motion carried.

**Preceptor List** – An updated preceptor list was presented to the Board for informational purposes only.

## **Adjournment**

There being no further business, the meeting was adjourned at 1:15 p.m.

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